

PHILLIP A. TALBERT  
Acting United States Attorney  
ADRIAN T. KINSELLA  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MICHAEL GARCIA, ET AL,  
  
Defendants.

CASE NO. 2:20-CR-00181-JAM  
  
AMENDED STIPULATION REGARDING  
EXCLUDABLE TIME PERIODS UNDER SPEEDY  
TRIAL ACT; ORDER  
  
Date: December 7, 2021  
Time: 9:30 a.m.  
COURT: Hon. John A. Mendez

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through their counsel of record, hereby stipulate as follows:<sup>1</sup>

1. By previous order, this matter had been set for status hearing on December 7, 2021.  
2. By this stipulation, defendants Michael Garcia and Nancy Garcia now move to continue the status conference until February 8, 2022, and to exclude time between December 7, 2021, and February 8, 2022, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case

<sup>1</sup> The United States filed a previous version of this stipulation and proposed order on November 26, 2021. This amended version corrects the signature line for Mr. Michael Long, who represents defendant Nancy Garcia. The previous version incorrectly listed Mr. Long as the defense attorney for defendant Michael Garcia. This stipulation and proposed order is intended to cover both defendants.

1 includes over 50 gigabytes of evidence in electronic form, including multiple hours of covert  
2 recordings, pictures, investigative reports, and related documents. All of this discovery has been  
3 either produced directly to counsel and/or made available for inspection and copying.

4 b) Counsel for defendants desire additional time to consult with their clients, conduct  
5 investigation and research related to the charges, to review and copy discovery for this matter, to  
6 discuss potential resolutions with their clients, and to otherwise prepare for trial.

7 c) Additionally, Counsel for defendant Michael Garcia has represented that she is  
8 soon retiring, and that one of her colleagues will be replacing her as counsel for this defendant.  
9 This new defense attorney will need time to review the existing discovery and consult with his  
10 new client.

11 d) Counsel believe that failure to grant the above-requested continuance would deny  
12 them the reasonable time necessary for effective preparation, taking into account the exercise of  
13 due diligence.

14 e) The government does not object to the continuance.

15 f) Based on the above-stated findings, the ends of justice served by continuing the  
16 case as requested outweigh the interest of the public and the defendant in a trial within the  
17 original date prescribed by the Speedy Trial Act.

18 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
19 et seq., within which trial must commence, the time period of December 7, 2021 to February 8,  
20 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
21 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
22 of the Court's finding that the ends of justice served by taking such action outweigh the best  
23 interest of the public and the defendant in a speedy trial.

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Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 29, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

/s/ ADRIAN T. KINSELLA  
ADRIAN T. KINSELLA  
Assistant United States Attorney

Dated: November 29, 2021

/s/ LEXI P. NEGIN  
LEXI P. NEGIN  
Counsel for Defendant  
MICHAEL GARCIA

Dated: November 29, 2021

/s/ MICHAEL D. LONG  
MICHAEL D. LONG  
Counsel for Defendant  
NANCY GARCIA

**ORDER**

IT IS SO FOUND AND ORDERED this 30<sup>th</sup> day of November, 2021.

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE